



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,787	06/26/2003	Mihce Lee	033808-003	3464

21839 7590 02/02/2007
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

ASTORINO, MICHAEL C

ART UNIT	PAPER NUMBER
----------	--------------

3736

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/603,787

Applicant(s)

LEE ET AL.

Examiner

Filip A. Kowalewski

Art Unit

3736

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/17/2003.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13, 15-21, and 23-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,266,070 to Hagiwara et al. (hereinafter Hagiwara) in view of U.S. Patent No. 5,725,472, cited by Applicant in 10/17/2003 IDS, to Weathers (hereinafter Weathers).

In regard to claims 1 and 15, Hagiwara discloses an a method of inducing a psychological state and a corresponding apparatus comprising: emotion induction module, biostimulation module, and a biosignal measurement module, but does not disclose the apparatus may be used for selecting a plurality of emotion induction protocols configured to induce a different emotion. However, Weathers, a reference in the analogous art of psychotherapy devices, discloses a substantially similar device to that of Hagiwara and further discloses an "expert system" with various protocols for inducing new emotional, physiological and cognitive patterns in a subject (Weathers, Col. 9 – Ln. 65-67 & Col. 10 – Ln. 1-12 & 30-35, and Col. 11 – Ln. 13-30). It would have

Art Unit: 3736

been obvious to one of ordinary skill in the art at the time of the invention to have modified the device disclosed in Hagiwara to include an "expert system" with various protocols as disclosed in Weathers, since the "expert system" along with the different protocols allows for treating a variety of problems facing the subject as well as adjusting the generation of stimuli during treatment (Weathers, Col. 10 – Ln. 30-35 & 50-65).

In regard to claims 2 and 16, Weathers discloses that the emotion induction protocols are capable of inducing at least two or more of the emotions of pleasure, sadness, anger, disgust, and surprise (Col. 11 – Ln. 14-30).

Claims 3-13, 17-21, and 23-32 are rejected by Hagiwara in view of Weathers on substantially the same basis as in the previous Office action. Refer to the previous Office action of a detailed rejection.

Claims 14 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hagiwara in view of Weathers as applied to claims 1 and 15 above, in further view of U.S. Patent No. 4,909,260 to Salem et al. (hereinafter Salem).

In regard to claims 14 and 22, Hagiwara and Weathers disclose an apparatus for inducing emotions comprising a biosignal measurement module, but does not explicitly disclose that the module comprises an amplifier, filter, analog/digital converter, and radio transmitter. However, Salem, a reference in the analogous art of biosignal

Art Unit: 3736

monitoring, discloses an biosignal acquisition and measuring device comprising an amplifier (Salem, Fig. 17 – 224 AMP), filter (*Id. at* Col. 2 – Ln. 35-40), analog to digital converter (*Id. at* Col. 10 – Ln. 32-34), and a radio transmitter (*Id. at* Fig. 17 – 184 radio transmitter). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the apparatus disclosed in Hagiwara to include an amplifier, filter, analog/digital converter, and radio transmitter, since an amplifier allows appropriate signal gain necessary for signal processing, a filter allows separation of heart signals from respiratory signals (*Id. at* Col. 2 – Ln. 35-40), an analog to digital converter allows more precise signal processing by the microprocessor (*Id. at* Col. 10 – Ln. 25-37), and radio transmitter allows wireless communication (*Id. at* Col. 4 – Ln. 22-24).

Response to Arguments

Applicant's arguments with respect to claim 1-32 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's argument with respect to the 35 USC 102 and 103 rejections of claims 1-32 was that Hagiwara did not disclose a plurality of emotion induction protocols for inducing a plurality of emotions. However, the new grounds for rejection have been entered as necessitated by the amendment to claims 1 and 15. The claims are now rejected with Hagiwara in view of Weathers. The Weathers reference discloses a plurality of protocols for inducing a plurality of emotional and psychological patterns. Thus, the new rejection addresses all of the applicant's arguments.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

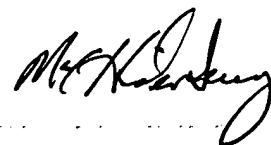
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Filip A. Kowalewski whose telephone number is 571-272-5668. The examiner can normally be reached on Monday - Friday: 8am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 571-272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3736

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Filip A. Kowalewski
January 23, 2007

A handwritten signature in black ink, appearing to read "Filip A. Kowalewski", is positioned to the right of the typed name and date.